

REMARKS

The amendments to the claims submitted above are intended to better define the invention over the art of record.

In the final rejection dated April 19, 2006, the examiner rejected claims 5 - 8 as indefinite, and also rejections claims 5, 7 and 9 as anticipated by Mitsue et al under 35 USC 102(b), claims 5, 7 and 9 as anticipated by Ohtsuki et al under 35 USC 102(e), and claims 5, 7 and 9 as anticipated by AAPA (figure 5 or 6) under 35 USC 102(b). The noted amendments to claims 5, 7, 8 and 9 are believed to overcome these rejections.

Regarding Mitsue et al, the examiner discusses its teaching and states that it "discloses every feature claimed by applicant." But in discussing Mitsue et al, the examiner does not indicate where the "annular seal member" is found in Mitsue et al. Mitsue et al discloses seal members not a seal member. Accordingly, Mitsue et al cannot anticipate any of the pending claims.

Regarding Ohtsuki et al, what was previously noted is repeated, namely that Ohtsuki et al does not teach a first annular case and a second annular case being previously fitted into a rotatable member or a stationary member before they are incorporated into a bearing unit. Moreover, Ohtsuki et al does not teach how one would prevent bending the radial lip in the reverse direction when a first annular case is inserted into a bearing unit. The examiner indicated that these distinctions were moot in view of the "new ground(s) of rejection," but the rejection under Ohtsuki et al, while not the same statutory base, is still presented, so that the noted differences should be considered and are even more pertinent since the statutory base is now 35 USC 102 rather than 35 USC 103.

Regarding Figs. 5 or 6, please refer to pages 3 - 6 for a discussion of why the prior art identified in the application is inadequate for the purpose of this invention.


Regarding the restriction requirement, claim 8 should be considered with claims

5, 7 and 9 because applicant did not make an election in this prosecution.

Reconsideration is respectfully requested.

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Respectfully submitted,
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